

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

JUSTIN BONTRAGER,

No. 1:23-cv-01081-AC

Plaintiff,

ORDER and

14 PATENTS TO RETAIL PARTNERS,
15 LLC,

ORDER TO SHOW CAUSE

Defendant.

This case was filed in the Fresno division of this court on July 19, 2023. ECF No. 1. The action has been assigned to the Magistrate Judge under the court's automated case assignment plan. See Local Rules, Appendix A, subsection (m). An initial scheduling conference was set before Magistrate Judge Stanley A. Boone, to take place on October 31, 2023. ECF No. 5. The case was subsequently transferred to the Sacramento Division with the undersigned presiding. ECF No. 8. Plaintiff now moves to re-set the initial scheduling conference. ECF No. 8. The motion is GRANTED, and the initial scheduling conference is re-set to February 7, 2023 at 10:00 a.m. via zoom before the undersigned.

The court also notes that plaintiff has not filed consent/decline form regarding magistrate judge jurisdiction. Pursuant to the Local Rule, the parties are required to return the "CONSENT / DECLINE OF U.S. MAGISTRATE JUDGE JURISDICTION" form to the Clerk within 90 days

1 from the date the action was filed. Local Rules, Appendix A, subsection (m)(1). The parties are
2 hereby ORDERED to file their consent/decline forms no later than January 10, 2024.

3 Finally, plaintiff has not filed a certificate of service in this case, which was due on
4 October 17, 2023. Federal Rule of Civil Procedure 4(m) requires a defendant to be served within
5 90 days after the complaint is filed, or the court must dismiss the action for failure to prosecute.
6 Plaintiff is ORDERED TO SHOW CAUSE in writing no later than November 8, 2023 why this
7 complaint should not be dismissed for failure to prosecute. Filing a certificate of service
8 demonstrating service has been completed on defendant will discharge this order. If plaintiff does
9 not adequately show cause, the undersigned will recommend this case be dismissed for failure to
10 prosecute.

11 For good cause shown and considering the foregoing, the court hereby ORDERS as
12 follows:

- 13 1. The motion at ECF No. 8 is GRANTED and the initial scheduling conference is re-set to
14 February 7, 2024 at 10:00 a.m. before Magistrate Judge Allison Claire via Zoom.
- 15 2. The parties are ORDERED to file their consent/decline forms regarding magistrate judge
16 jurisdiction no later than January 10, 2024; and
- 17 3. Plaintiff is ORDERED TO SHOW CAUSE in writing by November 8, 2023 why this case
18 should not be dismissed for failure to prosecute due to lack of service; filing a certificate
19 of service will discharge this order.

20 IT IS SO ORDERED.

21 DATED: October 19, 2023

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23 ALLISON CLAIRE
24 UNITED STATES MAGISTRATE JUDGE

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